

# Notice of Allowability

Application No.

09/679,852

Examiner

Robert Landsman

Applicant(s)

BLUMER, KENDALL J.

Art Unit

1647

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 3/1/04.
2. ☒ The allowed claim(s) is/are 1-20 and 27-30 (renumbered as claims 1-24).
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

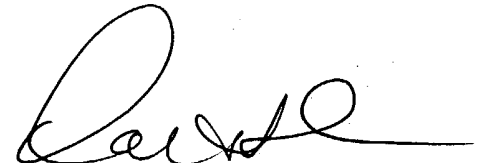
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 5/8/02.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



Art Unit: 1647

## EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lizette Fernandez on May 10, 2004.

In the claims:

Cancel claims 21-26

In claim 1, replace both recitations of the term "containing" with "comprising"

In claim 2, after the word "wherein" delete the remainder of the claim and replace it with "the first and second G protein coupled receptor regions of the fusion proteins are the same"

In claim 3, after the word "wherein" delete the remainder of the claim and replace it with "the first and second G protein coupled receptor regions of the fusion proteins are different"

In claim 6, replace both recitations of the term "containing" with "comprising"

In claim 7, after the word "wherein" delete the remainder of the claim and replace it with "the first and second G protein coupled receptor regions of the fusion proteins are the same"

In claim 8, after the word "wherein" delete the remainder of the claim and replace it with "the first and second G protein coupled receptor regions of the fusion proteins are different"

In claim 11, replace both recitations of the term "containing" with "comprising"

In claim 12, after the word "wherein" delete the remainder of the claim and replace it with "the first and second G protein coupled receptor regions of the fusion proteins are the same"

In claim 13, after the word "wherein" delete the remainder of the claim and replace it with "the first and second G protein coupled receptor regions of the fusion proteins are different"

In claim 16, replace both recitations of the term "containing" with "comprising"

Art Unit: 1647

In claim 17, after the word “wherein” delete the remainder of the claim and replace it with “the first and second G protein coupled receptor regions of the fusion proteins are the same”

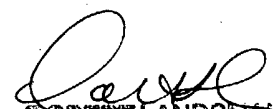
In claim 18, after the word “wherein” delete the remainder of the claim and replace it with “the first and second G protein coupled receptor regions of the fusion proteins are different”

## **EXAMINER'S COMMENT**

Claims 2, 7, 12, and 17 have been amended to recite "wherein the first and second G protein coupled receptor regions of the fusion proteins are the same." Claims 3, 8, 13 and 18 have been amended to recite "wherein the first and second G protein coupled receptor regions of the fusion proteins are different." Support for these amendments can be found on page 7, lines 4-6 of the specification as well as in claims 2, 3, 7, 8, 12, 13, 17 and 18 as originally presented in the Paper dated 10/5/02.

## REASONS FOR ALLOWANCE

No rejection will be made under 35 USC 112, first paragraph, as stated on page 2 of the Office Action dated 9/30/03 since Applicant argues, and has provided support that, subsequent to filing of the present application, the FRET approach developed by Applicant has been employed by Applicant and other investigators to show that many GPCRS function as oligomers in vivo. Therefore, it is clear that the methodology pioneered by Applicant, as set forth in the present application, provided sufficient guidance for those of skill in the art to determine that other GPCRs function as oligomers in vivo, without specific requirements for the type of GPCR that can be utilized or where the fluorescent donor and acceptor should be attached on the GPCR.

  
ROBERT LANDSMAN  
PATENT EXAMINER